

Appl. No. 09/630,896  
Amendment

### **REMARKS**

This application has been carefully reviewed in light of the Office Action dated February 5, 2008. Claims 15, 17-20, 22-25, 27-30 and 32-34 are pending. Claims 15, 20, 25 and 30 are independent, and have been amended herein.

In the Office Action, claims 15, 17-20, 22-25, 27-30 and 32-34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over International Publication No. WO 0013426 (Cho) in view of International Publication No. WO 00/07401 (Aftelak).

Applicants submit that neither Cho nor Aftelak, either alone, or in combination, teach or suggest all of the features of amended independent claim 15, and thus, do not make obvious the invention as a whole. For example, neither Cho nor Aftelak, either alone, or in combination, teach or suggest "the dynamically allocated bit rate being lower than an available bit rate of the channel," as recited by claim 15 of the present application. As described in the specification of the present application as filed, such a feature beneficially "may limit the bit rate indicated ... , even if capacity is currently available, if such capacity may be required for other purposes." (Present Application as filed at page 9, lines 3-4).

In stark contrast, Cho does not describe any such limiting of a bit rate by a primary station, and Aftelak, either alone, or in combination with Cho, merely describes re-adjusting a transmission rate upon a mobile station request. Re-adjusting a transmission rate upon a mobile station request is very different than "dynamically allocating a bit rate," the "dynamically allocated bit rate being lower than an available bit rate of the channel," as recited by claim 15 of the present application.

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Moreover, applicants submit that neither Cho nor Aftelak, either alone, or in combination, teach or suggest additional features of amended independent claim 15. For example, neither Cho nor Aftelak, either alone, or in combination, teach or suggest, a radio communication system that includes "a primary station operable to transmit a random access channel status message indicating an availability of random access channel resources," and "wherein the random access channel status message further indicates which data rates are available on a first random access channel."

As conceded in the Office Action, Cho does not teach or suggest a radio communication system "wherein the random access channel status message further indicates which data rates are available on a first random access channel." For this limitation, the Office Action relies on Aftelak. Applicants submit, however, that Aftelak does not cure the deficiencies of Cho.

Aftelak describes that "a subscriber [(remote)] unit wishing to access the network will typically access the best serving cell, which is normally the closest base station. However ... if there is a large number of subscriber units within [the] cell ... it can choose to access [another] cell instead." (See Aftelak at page 8, lines 23-27). This description by Aftelak is very different from the claimed "a primary station operable to transmit a random access channel status message indicating an availability of random access channel resources," and "wherein the random access channel status message further indicates which data rates are available on a first random access channel" of the present application.

Aftelak also describes that "different subscriber [(remote)] units can have different capabilities. Some subscriber units may ... support a low data rate transmission whereas other

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subscriber units are also able to support high data services ... [and that] [t]his information can be included in the information ... transmitted to the subscriber units." (See Aftelak at page 8, line 29 to page 9, line 2). Again, this description by Aftelak is not the same as the claimed "a primary station operable to transmit a random access channel status message indicating an availability of random access channel resources," and "wherein the random access channel status message further indicates which data rates are available on a first random access channel" of the present application. Indeed, Aftelak's description of different primary stations supporting different transmission rates is very different from the claimed indicating "which data rates are available on a first random access channel" of a single base station.

Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) and allowance of Claim 15 is respectfully requested.

Independent Claims 20, 25 and 30 as amended, recite similar subject matter as Claim 15 and therefore contain the limitations of Claim 15. Hence, for at least the same reasons given for Claim 15, Claims 20, 25 and 30 are believed to be allowable over Cho in combination with Aftelak. Accordingly, withdrawal of the rejections under 35 U.S.C. §103(a) and allowance of Claims 20, 25 and 30 is respectfully requested.

As to dependent claims 17-19, 22-24, 27-29, and 32-34 which depend from Claims 15, 20, 25 and 30, respectively, they too are believed to satisfy the requirements for statutory subject matter under 35 USC §103(a) for at least the same reasons given above for Claims 15, 20, 25 and 30. Accordingly, withdrawal of the rejections under 35 USC 103(a) is respectfully requested.

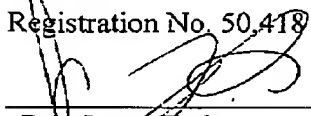
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In view of the above remarks, reconsideration and allowance of the present application is respectfully requested.

Respectfully submitted,

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